

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTINA O'CONNELL,

Plaintiff,

V.

CAROLYN W. COLVIN,

Defendant.

CASE NO. C14-0108JLR

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the court on the report and recommendation of United

States Magistrate Judge John L. Weinberg (R&R (Dkt. # 25)) and Defendant Carolyn W.

Colvin's ("the Commissioner") objections thereto (Obj. (Dkt. # 26)). This is a social

security case in which the parties dispute whether Plaintiff Christina O'Connell is entitled

to benefits. Having reviewed all of the foregoing, along with all other relevant

documents and the governing law, the court ADOPTS the report and recommendation,

REVERSES the decision of the Administrative Law Judge (“ALJ”), and REMANDS this

case for calculation and award of benefits to Ms. O'Connell.

I. BACKGROUND

2 Ms. O'Connell applied for and was denied Social Security disability insurance
3 benefits. (Pltf. Mem. (Dkt. # 18) at 2.) After her application was denied, she requested a
4 hearing in front of an ALJ. (*Id.*) The ALJ conducted a hearing and found that Ms.
5 O'Connell is not disabled. (*See* Admin. Rec. (Dkt. ## 12-1-12-11) at 8-24.) Ms.
6 O'Connell sought review of that decision within the agency, and the appeals council
7 denied her request for review. (*See id.* at 1-7.) She then appealed to this court. (*See*
8 Compl. (Dkt. # 3).) Magistrate Judge Weinberg has issued a report and recommendation,
9 in which he recommends that this court reverse the ALJ's decision and remand the case
10 for calculation and award of benefits. (*See* R&R at 5-22.)

II. STANDARD OF REVIEW

12 A district court has jurisdiction to review a magistrate judge’s report and
13 recommendation on dispositive matters. *See* Fed. R. Civ. P. 72(b). “The district judge
14 must determine de novo any part of the magistrate judge’s disposition that has been
15 properly objected to.” *Id.* “A judge of the court may accept, reject, or modify, in whole
16 or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.
17 § 636(b)(1). The court reviews de novo those portions of the report and recommendation
18 to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d
19 1114, 1121 (9th Cir. 2003) (en banc).

III. DISCUSSION

21 The Commissioner objects to the report and recommendation on the most general
22 grounds. First, the Commissioner states that the ALJ's decision is supported by

1 substantial evidence and free of harmful legal error. (*See* Obj. at 2.) Second, the
2 Commissioner claims that, even if the court determines that the ALJ committed harmful
3 error, the court should not remand for an award of benefits because the record as a whole
4 creates serious doubt that Ms. O'Connell is, in fact, disabled. (*See id.* (citing *Garrison v.*
5 *Colvin*, 759 F.3d 995, 1021 (9th Cir. 2014)).) The Commissioner, however, provides no
6 citations to the administrative record to support these assertions and fails to address any
7 particular aspects of Magistrate Judge Weinberg's reasoning. (*See generally* Obj.)
8 Instead, the Commissioner simply refers the court to a 12-page section of the
9 Commissioner's memorandum before Magistrate Judge Weinberg. (*See id.* at 3.)

10 The Commissioner's objections fail to raise any novel issues that were not
11 addressed by Magistrate Judge Weinberg's report and recommendation. (*Compare id.* at
12 2-3 *and* Def. Mem. (Dkt. # 22) at 7-22 *with* R&R at 5-22.) Moreover, the court has
13 thoroughly examined the record before it and finds Magistrate Judge Weinberg's
14 reasoning persuasive in light of that record. The objections merely repeat the arguments
15 that the Commissioner made to Magistrate Judge Weinberg, and the court rejects those
16 arguments for the same reasons as Magistrate Judge Weinberg does in the report and
17 recommendation.

18 **IV. CONCLUSION**

19 For the foregoing reasons, the court hereby ORDERS as follows:

20 (1) The court ADOPTS the report and recommendation (Dkt. # 25) in its entirety,
21 REVERSES the decision of the ALJ, and REMANDS for calculation and
22 award of benefits to Ms. O'Connell; and

1 (2) The court DIRECTS the Clerk to send copies of this Order to counsel for all
2 parties and to Magistrate Judge Weinberg.

3 Dated this 14th day of January, 2015.

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7 JAMES L. ROBART
8 United States District Judge
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